

REFERENCE TITLE: school admissions; employees' children

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1385**

Introduced by  
Senators Huppenthal: Allen S, Gould, Gray L, Melvin

AN ACT

AMENDING SECTIONS 15-184 AND 15-816.01, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ADMISSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-184, Arizona Revised Statutes, is amended to  
3 read:

4           15-184. Charter schools: admission requirements

5       A. A charter school shall enroll all eligible pupils who submit a  
6 timely application, unless the number of applications exceeds the capacity of  
7 a program, class, grade level or building. A charter school shall give  
8 enrollment preference to pupils returning to the charter school in the second  
9 or any subsequent year of its operation and to siblings of pupils already  
10 enrolled in the charter school. A charter school that is sponsored by a  
11 school district governing board shall give enrollment preference to eligible  
12 pupils who reside within the boundaries of the school district where the  
13 charter school is physically located. **A CHARTER SCHOOL MAY GIVE ENROLLMENT  
14 PREFERENCE TO AND RESERVE CAPACITY FOR PUPILS WHO ARE CHILDREN OF PERSONS WHO  
15 ARE EMPLOYED BY THE SPONSOR OF THE CHARTER SCHOOL OR AT THE CHARTER SCHOOL.**  
16 If **REMAINING** capacity is insufficient to enroll all pupils who submit a  
17 timely application, the charter school shall select pupils through an  
18 equitable selection process such as a lottery except that preference shall be  
19 given to siblings of a pupil selected through an equitable selection process  
20 such as a lottery.

21       B. Except as provided in subsection C, a charter school shall not  
22 limit admission based on ethnicity, national origin, gender, income level,  
23 disabling condition, proficiency in the English language or athletic ability.

24       C. A charter school may limit admission to pupils within a given age  
25 group or grade level.

26       D. A charter school shall admit pupils who reside in the attendance  
27 area of a school or who reside in a school district that is under a court  
28 order of desegregation or that is a party to an agreement with the United  
29 States department of education office for civil rights directed toward  
30 remediating alleged or proven racial discrimination unless notice is received  
31 from the resident school that the admission would violate the court order or  
32 agreement. If a charter school admits a pupil after notice is received that  
33 the admission would constitute such a violation, the charter school is not  
34 allowed to include in its student count the pupils wrongfully admitted.

35       E. A charter school may refuse to admit any pupil who has been  
36 expelled from another educational institution or who is in the process of  
37 being expelled from another educational institution.

38       Sec. 2. Section 15-816.01, Arizona Revised Statutes, is amended to  
39 read:

40           15-816.01. Enrollment policies

41       A. School district governing boards shall establish policies and shall  
42 implement an open enrollment policy without charging tuition. Tuition may be  
43 charged to nonresident pupils only if the tuition is authorized under section  
44 15-764, subsection C, section 15-797, subsection C, section 15-823,  
45 subsection A, section 15-824, subsection A or section 15-825 or if two school

1 districts have entered into a voluntary agreement for the payment of tuition  
2 for certain pupils. These policies shall include admission criteria,  
3 application procedures and transportation provisions. A SCHOOL DISTRICT MAY  
4 GIVE ENROLLMENT PREFERENCE TO AND RESERVE CAPACITY FOR PUPILS WHO ARE  
5 CHILDREN OF PERSONS WHO ARE EMPLOYED BY OR AT A SCHOOL WITHIN THE SCHOOL  
6 DISTRICT. A copy of the district policies for open enrollment shall be filed  
7 with the department of education.

8 B. The governing board of the district educating the pupil may provide  
9 transportation limited to no more than twenty miles each way to and from the  
10 school of attendance or to and from a pickup point on a regular  
11 transportation route or for the total miles traveled each day to an adjacent  
12 district for eligible nonresident pupils who meet the economic eligibility  
13 requirements established under the national school lunch and child nutrition  
14 acts (42 United States Code sections 1751 through 1785) for free or reduced  
15 price lunches.

16 C. The governing board of the district educating the pupil shall  
17 provide transportation limited to no more than twenty miles each way to and  
18 from the school of attendance or to and from a pickup point on a regular  
19 transportation route or for the total miles traveled each day to an adjacent  
20 district for nonresident pupils with disabilities whose individualized  
21 education program specifies that transportation is necessary for fulfillment  
22 of the program.